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VERITIV OPERATING COMPANY, ) )  
 ) )  
Plaintiff, ) CIVIL ACTION  
 ) )  
v. ) FILE NO. 1:18-cv-3005-TCB  
 ) )  
F. JASON BERMAN and MELISSA ) JURY TRIAL DEMANDED  
PAYNE, ) )  
 ) )  
Defendants. ) )

This cause came before the Court on Plaintiff Veritiv Operating Company's Motion for Expedited Discovery Order and Order to Preserve Evidence. For the reasons set forth herein, that Motion [6] is GRANTED.

1. Effective immediately upon actual or constructive receipt of this order, preserve and not destroy any and all evidence and information relevant to the facts alleged in Veritiv's Complaint;

2. No later than two days from the date of this order, Payne shall provide Veritiv with the password to access her Veritiv-issued iPhone;

3. No later than seven days from the date of this Order, identify all electronic devices, including, but not limited to, any home and/or work computers, hard drives, flash drives, iPods, iPads, cell phones, tablets, PDAs and other external storage devices, that any of the four external storage devices with Serial Nos. NA781A3F&0, 07A50A03C895E720&0, AAF1T0C3GW5TH02H&0, and 57584B31413238485A325634 have been plugged into or connected to (collectively, the “Connected Devices”);

4. No later than seven days from the date of this order, identify all electronic devices and accounts, including, but not limited to, any home and/or work computers, hard drives, flash drives, iPods, iPads, cell phones, tablets, PDAs and other external storage devices, email accounts and other electronic accounts, including cloud storage such as Google Drive, in their possession, custody or control that currently contain or have contained Veritiv’s property, confidential information or trade secrets at any point on or after June 4, 2018;

5. No later than seven days from the date of this order, produce phone records for all calls and text messages made or received on or after May 1, 2018<sup>1</sup>;

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<sup>1</sup> Produce these records in Excel format, which can be done automatically for both Verizon and AT&T phones. For Verizon numbers, access the “Calls & Messages” tab for “View My Bill” to create spreadsheets. For AT&T numbers, go to “Billing & Payment,” select “View My Bill,” select “Usage,” select “Data, text, & talk logs,” and select “Excel” in the top-right corner of the window.

6. No later than seven days from the date of this order, produce all text messages, iMessages, and messages sent on any messaging platform, such as G-chat, Yahoo Chat, and Facebook Messenger, between Berman and Payne and between any Defendant and any other individual that were sent or received on or after June 4, 2018;

7. No later than 14 days from the date of this order, produce all non-privileged e-mails from their personal e-mail accounts, including, but not limited to jasonberman@san.rr.com and mestacio3@gmail.com, that were sent or received on after June 4, 2018 relating to any of the following: Veritiv, Veritiv's customers, Berman, Payne, and Veritiv's confidential information and trade secrets;

8. No later than 14 days from the date of this order, provide responses to the proposed expedited discovery requests attached to Veritiv's motion for expedited discovery; and

9. Provided that Veritiv provides at least seven calendar days' notice, appear for a deposition.

The Court also authorizes the immediate commencement of discovery. Veritiv is DIRECTED to send a copy of this order on each Defendant by e-mail and mail or, if the Defendant is

*[remainder of page intentionally blank]*

represented, to Defendant's counsel.

SO ORDERED this 4th day of July, 2018.

By: \_\_\_\_\_

Hon. Timothy C. Batten, Sr.

UNITED STATES DISTRICT COURT JUDGE